

ATTACHMENT A
Statement of Facts

The United States and the Defendant, ROBERT MICHAEL BUSCHING, stipulate and agree that if this case proceeded to trial, the United States would prove the facts set forth below beyond a reasonable doubt. They further stipulate and agree that these are not all of the facts that the United States would prove if this case proceeded to trial.

At all relevant times to this case, **ROBERT MICHAEL BUSCHING ("BUSCHING")** was a resident of Clarksburg, Maryland. Between at least February 13, 2014, and August 26, 2014, **BUSCHING** used an internet-based cloud storage system – namely, Dropbox – to possess and access with intent to view child pornography.

On March 7, 2014, the National Center for Missing and Exploited Children ("NCMEC") received a CyberTipline report (Cybertip Report 2369149) from Dropbox, Inc. in reference to suspected files of child pornography being uploaded to a Dropbox account with user ID: 260672037 and username: davefresno2@gmail.com. Dropbox provided NCMEC a copy of the uploaded files as well as information about the user of Account 260672037, including an IP address from which Account 260672037 had been accessed. From November 22, 2013, until at least October 9, 2014, the IP address provided by Dropbox from which Account 260672037 was accessed was assigned to **BUSCHING's** residence in Clarksburg, Maryland.

On the dates that **BUSCHING** accessed Dropbox Account 260672037, that account contained videos and images of children engaged in sexually explicit conduct, including the following videos, among others:

[MB] American 7yo Logan sucked off finish(1)_x264.mp4 – a video in which a male performs oral sex on a prepubescent male.

Y)UNG.wmv – a video in which a naked prepubescent male performs oral sex on another naked prepubescent male.

BUSCHING accessed Account 260672037 on at least the following dates: February 13, 2014, February 19, 2014, February 22, 2014, March 4, 2014, March 5, 2014, and March 7, 2014.

On September 9, 2014, federal agents from the Federal Bureau of Investigation executed a search warrant at **BUSCHING's** residence. Agents seized **BUSCHING's** desktop computer. Forensic analysis indicates that **BUSCHING** accessed Dropbox from his computer on multiple occasions.

During the execution of this search warrant, agents also interviewed **BUSCHING**. After waiving his *Miranda* rights, **BUSCHING** stated that he met someone on Omegle, an online chat website, who identified himself as "Dave." Dave provided **BUSCHING** with the username and password to access various Dropbox accounts. The usernames provided were davefresno3@gmail.com, davefresno4@gmail.com, and davefresno5@gmail.com. **BUSCHING** admitted that he accessed the accounts and acknowledged that they contained videos of child pornography. **BUSCHING** further admitted that he created two Dropbox accounts that

contained child pornography. **BUSCHING** stated that he created the Dropbox accounts associated with the email addresses davefresno2@gmail.com and davefresno6@gmail.com. **BUSCHING** stated that he created the first account approximately seven or eight months prior to the interview and added child pornography videos to it. **BUSCHING** created the second Dropbox account because the first account became full. **BUSCHING** admitted that he shared the link to the Dropbox accounts he created with other people on Omegle.

Federal agents executed search warrants on the Dropbox accounts associated with usernames: davefresno2@gmail.com (Dropbox Account 260672037); davefresno3@gmail.com (Dropbox Account 265721354); davefresno4@gmail.com (Dropbox Account 267181331); davefresno5@gmail.com (Dropbox Account 271268654); and davefresno6@gmail.com (Dropbox Account 276443700).

On the dates that **BUSCHING** accessed Dropbox Account 267181331, that account contained videos and images of children engaged in sexually explicit conduct, including the following videos, among others:

[boy+boy] Aj&kile2-complete.mpg – a video in which two prepubescent males, laying on a bed, undress and masturbate themselves and masturbate each other. As the video continues, one of the prepubescent male performs oral sex on the other prepubescent male. The two prepubescent males also expose their erect penises and anuses to the camera.

N-2BoysSof.avi – a video in which two prepubescent males are on a bed covered with a comforter. One prepubescent male removes the comforter and masturbates. As the video continues, what appears to be an adult hand, touches the penis of the same prepubescent male.

BUSCHING accessed Account 267181331 on at least the following dates: June 2, 2014, June 20, 2014, and July 19, 2014.

On the dates that **BUSCHING** accessed Dropbox Account 276443700, that account contained videos and images of children engaged in sexually explicit conduct, including the following videos, among others:

2014-01-13 16.08.56.mp4 – a video in which a prepubescent male is performing oral sex on an adult male. As the video continues, a second prepubescent male masturbates the first prepubescent male as he continues to perform oral sex on the adult male. Then the second prepubescent male masturbates and performs oral sex on an adult male. Before the video concludes, the first prepubescent male again performs oral sex on an adult male.

2014-02-05 18.33.16mp4 – a video in which a prepubescent male performs oral sex on an adult male.

BUSCHING accessed Account 276443700 on at least the following dates: June 2, 2014, June 20, 2014, June 28, 2014, July 18, 2014, July 19, 2014, July 23, 2014, and August 26, 2014.

The images and videos described above depict real children engaged in sexually explicit conduct. **BUSCHING** accessed with intent to view images and videos of child pornography using the internet, and therefore such images and videos traveled in interstate commerce. In total, the Dropbox accounts **BUSCHING** admitted accessing contained more than 600 images constituting child pornography.

On March 17, 2011, **BUSCHING** was convicted of Distribution of Child Pornography under Maryland Code, Criminal Law § 11-207(a)(4) in Montgomery County (Maryland) Circuit Court, Case No. 117672C. **BUSCHING** was sentenced to seven years of incarceration with all but five days suspended.

I have read this Statement of Facts and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. I do not wish to change any part of it.

8-26-15

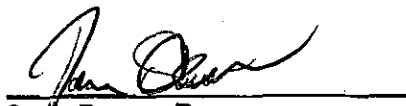
Date


Robert Michael Busching

I am Robert Michael Busching's attorney. I have carefully reviewed every part of this Statement of Facts with him. To my knowledge, his decision to sign it is an informed and voluntary one.

8-26-15

Date


Jason Downs, Esq.